

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Darryl Mungin,	)	
	)	C/A No. 2:11-0340-MBS
Plaintiff,	)	
	)	
vs.	)	
	)	<b>O R D E R</b>
Detective Eugene Magwood,	)	
	)	
Defendant.	)	
_____	)	

On February 10, 2011, Plaintiff filed a complaint alleging that he was arrested in retaliation for filing a civil action against Defendant. Plaintiff brings this action pursuant to 42 U.S.C. § 1983, alleging that his constitutional rights were violated.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Bristow Marchant for pretrial handling. On June 3, 2011, Plaintiff filed a motion to dismiss the complaint without prejudice (ECF No. 36). Defendant filed a response in support of Plaintiff's motion to dismiss on June 6, 2011 (ECF No. 37). On June 7, 2011, the Magistrate Judge issued a Report and Recommendation in which he recommended that Plaintiff's motion be granted and the case be dismissed without prejudice. No party filed objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court may accept, reject, or modify, in whole or in part, the Report and Recommendation or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of a timely filed objection, a district court need

not conduct a de novo review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

The court has thoroughly reviewed the record. The court adopts the Report and Recommendation and incorporates it herein by reference. Plaintiff’s motion to dismiss without prejudice is **granted**. See Fed. R. Civ. P. 41(a)(2).

**IT IS SO ORDERED.**

/s/ Margaret B. Seymour  
United States District Judge

Columbia, South Carolina

July 14, 2011.